

Application No. 10/019,450
Attorney Docket No. 12447US02

REMARKS

The present application includes claims 1-60. Claims 1-60 were rejected. By this Amendment, claims 1, 9, 14, 25, 31, 44, and 55 have been amended.

Claims 9, 14, and 44 were objected to by the Examiner for informalities. The claims have been amended as directed by the Examiner.

Claims 1-30 and 55-60 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement.

Claims 55-60 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 1-2, 5-6, 11, 15, 24, 31-32, 35-36, 38, 41, 45, and 54 were rejected under 35 U.S.C. §102(c) as being anticipated by Jarvinen, U.S. Pat. No. 5,946,651.

Claims 25-27 and 55-57 were rejected under 35 U.S.C. §102(b) as being anticipated by Yajima, U.S. Pat. No. 5,873,058.

Claims 3-4, 10, 33-34, and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jarvinen in view of Yajima.

Claims 8-9, 12, 16, 18, 20-23, 39, 42, 46, 48, and 50-53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jarvinen in view of Yasunaga, U.S. Pat. No. 6,330,534.

Application No. 10/019,450
Attorney Docket No. 12447US02

Claims 7 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jarvinen in view of Yasunaga and further in view of Crouse, U.S. Pat. No. 4,899,384.

Claims 13-14, 17, 19, 43-44, 47, and 49 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jarvinen in view of Yasunaga and further in view of Swaminathan, U.S. Pat. No. 5,751,903.

Claims 28-30 and 58-60 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yajima in view of Navaro, U.S. Pat. No. 6,108,560.

The Applicant now turns to the rejection of claims 1-30 and 55-60 under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement. The rejected claims include independent claims 1, 25, and 55. The Examiner asserts that the claims are single "means" claims and consequently asserts that the claims are subject to an undue breadth rejection, apparently applying MPEP 2164.08(a).

However, claims 1, 25, and 55 are not "means" claims. MPEP 2818(I) sets forth the requirements for a claim to be a "means" claims. Specifically, the claim limitation must use the phrase "means for" or "step for", the "means for" must be modified by functional language, and the "means for" must not be modified by sufficient structure. However, none of claims 1, 25, or 55 include the "means for" language and consequently are not "means" claims.

Application No. 10/019,450
Attorney Docket No. 12447US02

However, in a effort to move prosecution along, claims 1, 25, and 55 have been rewritten in a format that it is hoped is more acceptable to the Examiner.

The Applicant now turns to the rejection of claims 55-60 under 35 U.S.C. §101 as being directed to non-statutory subject matter. More specifically, the Examiner asserts that claim 55 is directed to a method comprising "adjusting first bits and second bits" and that the use of such language indicates that claim 62 is directed to an abstract idea that does not product a useful, concrete, tangible result.

However, claim 62 has been amended to recite that adjusting the bits is performed "in order to control the noise characteristic of said digital signals." The Applicant respectfully submits that controlling the noise characteristic of a digital signal is a useful and tangible result. Consequently, the rejection is respectfully traversed.

The Applicant now turns to the rejection of claims 1-2, 5-6, 11, 15, 24, 31-32, 35-36, 38, 41, 45, and 54 under 35 U.S.C. §102(e) as being anticipated by Jarvinen, U.S. Pat. No. 5,946,651. Jarvinen teaches a speech synthesizer employing post-processing. In Jarvinen, as illustrated in Figure 3, an RF unit 201 receives a coded speech signal via antenna 212, decodes the coded speech to form an audio signal and outputs the audio signal using the audio transducer 210 so that the audio may be heard by a human. That is, Jarvinen describes processing that takes place at the receiving handset, and does not

Application No. 10/019,450
Attorney Docket No. 12447US02

describe processing that takes place along a transmission line away from the transmitting and receiving handsets, for example.

Claims 1-2, 5-6, 11, 15, 24, 31-32, 35-36, 38, 41, 45, and 54 which were rejected under Jarvinen include independent claims 1 and 31, both of which have been amended to recite that "wherein said digital signals are adapted to originate at a first handset and be received at a second handset and said processor is located away from said first handset and said second handset". Thus, claims 1 and 31 are respectfully submitted to be free of Jarvinen and allowable, as are dependent claims 2, 5-6, 11, 15, 24, 32, 35-36, 38, 41, 45, and 54.

The Applicant now turns to the rejection of claims 25-27 and 55-57 under 35 U.S.C. §102(b) as being anticipated by Yajima, U.S. Pat. No. 5,873,058. Yajima teaches a voice coding and transmission system with silent period elimination. More specifically, the Applicant is directed to the embodiment shown in Figure 18 and described beginning at Col. 3, Line 42.

As shown in Figure 18, a signal is carried over the transmission line to a relay node 404. The relay node 404 includes a parameter separator 416C that extracts the parameters and outputs an excitation signal and a coding parameter to the encoder 418C and the excitation signal to the voice detector 440. The voice signal then travels from the relay node 404C through the transmission line A to the reception node 402.

Application No. 10/019,450
Attorney Docket No. 12447US02

However, Figure 18 only illustrates processing based on the forward direction voice signals. That is, voice signals traveling back from the reception node 402 to the transmission node 100 are not used in the relay node 404 to improve processing of the forward direction voice signals. Conversely, this advantage is shown in Figure 24 of the present application.

Rejected claims 25-27 and 55-57 include independent claims 25 and 55. Claims 25 and 55 have both been amended to recite that the processor receives a second audio signal from a source other than the source of the first audio signal, and that the second audio signal is used by the processor in determining an adjustment for the first audio signal. The Applicants respectfully submit that such a limitation is not taught by Yajima. Consequently, independent claims 25 and 55 are respectfully submitted to be allowable, as are their dependent claims 26-27 and 56-57.

The Applicant now turns to the rejection of claims 3-4, 10, 33-34, and 40 under 35 U.S.C. §103(a) as being unpatentable over Jarvinen in view of Yajima. Claims 3-4, 10, 33-34, and 40 depend from independent claims 1 and 31, which are respectfully submitted to be allowable in light of the amendment above. Consequently, dependent claims 3-4, 10, 33-34, and 40 are also respectfully submitted to be allowable.

The Applicant now turns to the rejection of claims 8-9, 12, 16, 18, 20-23, 39, 42, 46, 48, and 50-53 under 35 U.S.C. §103(a) as being unpatentable over Jarvinen in view of

Application No. 10/019,450
Attorney Docket No. 12447US02

Yasunaga, U.S. Pat. No. 6,330,534. Claims 8-9, 12, 16, 18, 20-23, 39, 42, 46, 48, and 50-53 depend from independent claims 1 and 31, which are respectfully submitted to be allowable in light of the amendment above. Consequently, dependent claims 8-9, 12, 16, 18, 20-23, 39, 42, 46, 48, and 50-53 are also respectfully submitted to be allowable.

The Applicant now turns to the rejection of claims 7 and 37 under 35 U.S.C. §103(a) as being unpatentable over Jarvinen in view of Yasunaga and further in view of Crouse, U.S. Pat. No. 4,899,384. Claims 7 and 37 depend from independent claims 1 and 31, which are respectfully submitted to be allowable in light of the amendment above. Consequently, dependent claims 7 and 37 are also respectfully submitted to be allowable.

The Applicant now turns to the rejection of claims 13-14, 17, 19, 43-44, 47, and 49 under 35 U.S.C. §103(a) as being unpatentable over Jarvinen in view of Yasunaga and further in view of Swaminathan, U.S. Pat. No. 5,751,903. Claims 13-14, 17, 19, 43-44, 47, and 49 depend from independent claims 1 and 31, which are respectfully submitted to be allowable in light of the amendment above. Consequently, dependent claims 13-14, 17, 19, 43-44, 47, and 49 are also respectfully submitted to be allowable.

The Applicant now turns to the rejection of claims 28-30 and 58-60 under 35 U.S.C. §103(a) as being unpatentable over Yajima in view of Navaro, U.S. Pat. No. 6,108,560. Claims 28-30 and 58-60 depend from independent claims 25 and 55, which

FROM McANDREWS, HELD, & MALLOY

(WED) 11. 8' 06 22:54/ST. 22:48/NO. 4861050953 P 29

Application No. 10/019,450
Attorney Docket No. 12447US02

are respectfully submitted to be allowable in light of the amendment above.

Consequently, dependent claims 28-30 and 58-60 are also respectfully submitted to be
allowable.

FROM McANDREWS, HELD, & MALLOY

(WED) 11. 8' 06 22:54/ST. 22:48/NO. 4861050953 P 30

Application No. 10/019,450
Attorney Docket No. 12447US02

CONCLUSION

If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,



Joseph M. Barich
Registration No. 42,291

Date: November 8, 2006

MCANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, IL 60661

Telephone: (312) 775-8000
Facsimile: (312) 775-8100